



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA

V.

JAMES BERRY, JR.

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CASE NO. 1:91-CR-46(1)

**MEMORANDUM ORDER ADOPTING  
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(I) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of Defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #26]. The magistrate judge recommended that the Court revoke Defendant's supervised release and impose a term of imprisonment for the revocation, with a new term of supervision to follow.

The parties have not objected to Judge Giblin's report. Accordingly, after review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #26] of the United States Magistrate Judge are **ADOPTED**. The Court finds that Defendant, James Berry, Jr., violated conditions of his supervised release. The Court, therefore, **REVOKES** his term of supervision. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of ninety (90) days imprisonment for the revocation, with credit for time spent in federal custody on this matter. Defendant is further ordered to serve a new one (1) year term of supervised release upon release from prison. The conditions of the new supervision term will be set forth in a separate revocation judgment.

So **ORDERED** and **SIGNED** this **16** day of **March, 2009**.



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Ron Clark, United States District Judge